Executive Summary
Direct Investigation Report

Education Bureau's Monitoring of Boarding Sections of Schools for Children with Intellectual Disabilities

Introduction

Some schools for children with intellectual disabilities ("ID") receiving aids from the Education Bureau ("EDB") have boarding sections that provide boarding service to children with moderate or severe ID who meet the boarding criteria. EDB regards the boarding sections of schools for children with ID as part of the schools. Their daily operation and management, therefore, should be overseen by the incorporated management committee of the school in accordance with the school-based management principles, just like the school section. EDB monitors the schools and their boarding sections on various aspects to ensure that their governance and operation comply with the relevant legislation and the guidelines it has issued.

2. This direct investigation has found that in the past, save for stipulations on staffing establishment and provision of funds, EDB had neither laid down separately any detailed operational requirements or restrictions, nor put in place an inspection system specific to the boarding sections of schools for children with ID. The Bureau's external school review ("ESR") would not directly assess the operation of the boarding sections either. Nevertheless, given the limited ability of children with ID to communicate effectively with others, they may not be able to explain clearly their situation and discontent to their parents or others even when encountering problems in boarding sections. We understand that under the school-based management policy, schools are provided with greater flexibility and autonomy in school administration and resource deployment (including the management and operation of their boarding sections). While the sector in general has exercised self-discipline, it does not mean that the authority can make light of its monitoring responsibilities. In this connection, EDB should spare no effort in ensuring the effectiveness of its mechanism for monitoring the boarding sections of schools for children with ID, and enhance the services of the boarding sections so as to safeguard the welfare of boarders with ID.

Our Findings

3. We have the following comments and recommendations with respect to EDB's monitoring of the boarding sections of schools for children with ID:

(I) Inadequate Guidelines on Day-to-Day Operation of Boarding Sections of Schools for Children with ID

4. Prior to March 2021, EDB had not promulgated any guidelines specifically for the operation and management of the boarding sections of schools for children with ID. Schools were left on their own to draw up relevant school-based guidelines according to the relevant legislation and EDB's other guidelines, neither of which contains any detailed requirements in respect of the boarding sections' day-to-day operation, personal care and nursing for boarders, daily routine arrangement and matters on which records must be kept.

5. In March 2021, EDB compiled the "Practice Guide for Special Schools on Planning and Managing Boarding Service" ("the Practice Guide") for boarding sections of special schools (including those of schools for children with visual impairment or physical disabilities). While about 70% of the boarders in aided special schools are children with moderate or severe ID, the Practice Guide contains no points to note specific to the daily care and nursing of the children with ID or the procedures to be followed by the boarding sections. Furthermore, the Practice Guide, being only seven pages long, just describes in very broad terms the principles and direction of operating and managing the boarding sections of special schools. Save for some relatively specific minimum staffing requirements for the boarding sections during the night time, the Practice Guide does not stipulate any detailed and uniform basic requirements on other day-to-day operational issues. Our view is that the Practice Guide, being rather unspecific, is neither effective in enhancing the services of the boarding sections of schools for children with ID, nor conducive to EDB's monitoring work.

6. We understand that there are specialists of different grades in the boarding sections of schools for children with ID who provide professional advice and support to the schools; while the schools themselves would formulate school-based policies and guidelines for operating and managing the boarding sections in accordance with the school-based management principles. However, if the operational guidelines of different schools cover different aspects of their boarding sections, or the approach or criteria adopted for handling the same issues differ greatly, then the parents, EDB or

even the staff of the boarding sections can hardly monitor and judge objectively whether the operation of the boarding sections is proper. We consider it imperative that EDB devise uniform requirements for certain aspects of the basic operation of the boarding sections so as to regulate their operation and lift their service standard, with a view to safeguarding the rights and welfare of the boarders with ID.

7. In this light, EDB should, having regard to the circumstances of boarders with ID, enhance the content of the Practice Guide, stipulate basic requirements for certain aspects of the day-to-day operation of the boarding sections (especially for aspects involving daily care of boarders and record-keeping), and require the boarding sections of schools for children with ID to incorporate some of EDB's basic requirements into the school-based guidelines drawn up by the schools themselves.

(II) Failing to Require Boarding Sections to Install Closed-Circuit Television ("CCTV") Surveillance Systems with Recording Function and Conduct Surprise Checks of the Footage

8. EDB neither required the boarding section of schools for children with ID to install CCTV surveillance systems with recording function nor provided grants for the installation. It was not until October 2022 (i.e. after we had launched this direct investigation) that EDB collected information about installation of CCTV surveillance systems from the aided special schools (including schools for children with ID that had a boarding section). All the boarding sections of schools for children with ID have now installed CCTV surveillance systems, some of them do not have the systems with recording function in the dormitory area due to various reasons. On the other hand, the CCTV footages of the boarding sections of schools for children with ID had never been checked during EDB's school visits in the past or joint school visits conducted since the promulgation of the Practice Guide.

9. We must stress that we are not doubting the operation or the integrity of the staff of the boarding sections of schools for children with ID. Nevertheless, an effective monitoring mechanism should aim at nipping problems in the bud and enabling timely detection of irregularities and efficient follow-up actions. We are of the view that so long as the Personal Data (Privacy) Ordinance is complied with, EDB should require the schools for children with ID to install CCTV systems with recording function within the perimeter of their boarding sections and make regular arrangements for random checks of the recorded footages. the Bureau should provide extra installation grants, where necessary, to the schools and deploy its staff to random check the CCTV footages from time to time.

(III) Lack of Systematic Monitoring of the Use of Physical Restraint or Seclusion on Boarders with ID

10. When children with ID lose control of their emotion or display serious behavioural problems, the schools may apply physical restraint (e.g. a restraint belt, straitjacket, restraint chair or safety chair) appropriate to the situation in order to restrict their body movement, or use seclusion to confine the area of their activities. In this regard, EDB has issued the "Guideline on the Use of Physical Restraint or Seclusion to Handle Students with Special Education Needs Having Serious Emotional and Behavioural Problems" (" the Restraint or Seclusion Guideline"), which on the one hand aims at encouraging schools (not only schools for children with ID having a boarding section) to use positive behaviour support strategies to reduce the chance of children displaying emotional or behavioural problems, and on the other hand seeks to provide schools with guidelines to follow when application of physical restraint or seclusion is called for. The Restraint or Seclusion Guideline does not cover the use of "protective" or "medical" physical restraints.

11. Our investigation has found that regardless of the nature of the physical restraint having been applied on a boarder being "protective" or "medical", or whether physical restraint or seclusion was used when a boarder displayed serious emotional or behavioural problems, EDB had not maintained any record on the number of boarders with ID who had the need to use such interventions or the details of the cases. In addition, during their inspections or visits at the boarding sections of schools for children with ID in the past, EDB officers had not checked the condition of the boarders who needed physical restraint or seclusion. We consider that for protecting the welfare of the boarders who need such interventions, EDB's monitoring of the boarding sections of schools for children with ID should cover the use of physical restraint or seclusion so as to ensure that the boarding section staff would, and are reminded to, implement the relevant procedures prudently and properly. During inspections at the boarding section of those schools, EDB officers can ask the schools to report the data on and details of the boarders who need physical restraint or seclusion as a management and safety measure. Besides, they should also conduct spot checks of the documents relating to the decisions to apply physical restraint or seclusion on boarders.

12. On the other hand, the Restraint or Seclusion Guideline only sets out the general principles, procedures and points to note. It was not drawn up specifically for boarders with ID. Yet, as opposed to other special schools, the boarding sections of

schools for children with ID are more likely to have the need to use physical restraint or seclusion to handle emotional or behavioural problems of their boarders. In this light, we consider that it would be prudent and responsible of EDB to provide more specific and detailed guidelines with respect to the use of physical restraint or seclusion on boarders to the boarding sections of schools for children with ID.

13. We opine that EDB should formulate detailed and rigorous basic guidelines (including implementation procedures and monitoring mechanism) for the boarding sections, targeting the special circumstances of boarders with ID. For example, the guidelines should set out the time interval for releasing the physical restraint, the frequencies of checking the reactions of a boarder under restraint or seclusion, handling of his/her toileting and eating/drinking needs, and record and information to be completed by boarding section staff after applying physical restraint or seclusion; and require that the head of the boarding section or the nurse should random check the condition of the boarder under restraint or seclusion and counter-sign to confirm the relevant records. EDB should also require the boarding sections of schools for children with ID to incorporate the Bureau's basic guidelines into their school-based policies or guidelines (if any). For discharging their monitoring duties, EDB officers should conduct checks of the records on using physical restraint or seclusion during inspections at the boarding sections of school for children with ID.

14. In addition, EDB should set down basic requirements for the boarding sections of schools for children with ID in respect of the design and facilities of the seclusion space or area to ensure that the environment is safe and humane. It should maintain information about such space or area in the boarding section of each school for regular inspection and assessment of compliance with the relevant requirements regarding their design and facilities.

(IV) ESR Teams Not Instructed to Observe and Assess Boarders' Condition and Daily Lives at Boarding Sections

15. The Key Performance Measures and Stakeholder Survey Reports submitted to the ESR teams by the schools for children with ID include the stakeholders' impression and satisfaction level with respect to the day-to-day services of the boarding sections. During an ESR, the ESR team may, on a need basis, observe the lives of boarders in the boarding section, or speak with the specialist staff of the boarding section to understand the state of affairs in the boarding section. Our view is that observation at the boarding sections can give the ESR team a more comprehensive idea about the

circumstances and development of the school. Given that for most schools for children with ID that have boarding sections, the two most recent ESRs conducted were about eight to ten years apart, the ESR teams should take the opportunity of the review to examine whether the services of the boarding section can complement the school's development plans and identify room for improvement, if any. In this connection, EDB should include observation of the environment of the boarding sections and daily lives of boarders as an inspection item during an ESR, such that the ESR teams can understand how the boarding sections can provide services complementary to the planning and development of the schools, and make specific improvement recommendations to the schools.

(V) Effectiveness of Inspections at Boarding Sections Doubtful

16. While EDB would conduct a number of visits at schools for children with ID in every school year, those visits hardly covered the boarding sections; and inspections at the boarding sections of schools for children with ID had also been very infrequent. For instance, between school years 2017/18 and 2019/20, in each school year an average of six to nine schools for children with ID having a boarding section (out of a total of 14 or 15 such schools during the period) had had the section inspected. About half of the boarding sections had been inspected only once during those three school years, and two of them even had not been inspected at all. Even after the Practice Guide had been promulgated, there was no significant increase in the frequency of EDB inspections at the boarding sections during the following year. We recommend that EDB proactively increase the inspection frequencies and set down a key performance indicator with respect to the inspections each year at the boarding section of each school for children with ID (e.g. setting down a minimum number of inspections). Furthermore, given that surprise inspections (especially those conducted during non-office hours) can better reflect the actual operation and state of affairs in the boarding sections, EDB should also arrange surprise inspections at the boarding sections of schools for children with ID at different time periods of the day (including both office and non-office hours), instead of conducting only announced inspections, as it had done in the past.

17. We notice that prior to the promulgation of the Practice Guide, EDB had not spelt out the scope of inspection or prepared inspection checklists for the Special Education Division ("SED") and School Development Division ("SDD") during inspections at the boarding sections of schools for children with ID. Since the promulgation of the Practice Guide in March 2021, schools for children with ID having

boarding sections are required to provide a number of documents for the joint inspections conducted by the two Divisions. Yet, the focus of the joint inspections is whether the schools have drawn up various school-based guidelines and mechanisms (such as a review mechanism for assessing the boarders' need for accommodation and a contingency mechanism). Inspection officers of EDB are not specifically required to conduct site inspections and assessment of the facilities of the boarding sections or review the boarders' daily routine and record their condition. Meanwhile, we do not see any substantial difference between the joint inspections carried out by the SED and SDD after promulgation of the Practice Guide and the inspections they previously conducted separately.

18. We consider the depth and breadth of EDB's inspections still insufficient as they cannot really help EDB understand the daily lives of the boarders with ID and whether the care services provided are proper. EDB should review and broaden the scope of inspections at the boarding sections of schools for children with ID, and focus on assessing the boarders' daily routine at the boarding sections (including meals and nutrition, personal care, daily living care, administration of drugs and medical treatment, environment and safety measures, activities organised by the boarding sections and staffing arrangement), observing the physical and psychological well-being as well the emotion and behaviour of the boarders, and scrutinising the records on care and use of restraint and seclusion. In addition, EDB should draw up clear delineation of duties and schedules for collaboration between the SED and SDD, define indicators for conducting separate or joint inspections so as to ensure that the boarding sections of schools for children with ID would be properly inspected by the two Divisions.

(VI) Lack of Diversity in Qualification of Officers Inspecting Boarding Sections

19. EDB inspections officers and members of ESR teams do not possess qualifications relating to health care and social work. We opine that if the inspection officers of EDB and ESR teams can include professionals with relevant qualifications, they would be in a better position to comprehensively assess whether the environment and safety measures, daily care services and personal care services of the boarding sections are proper and adequate, and be more sensitive to any anomalies in the emotion and behaviour of the boarders with ID.

20. We are of the view that for ensuring the effectiveness of inspections, EDB can consider including professionals with qualifications in health care and social work in the ESR teams and EDB's inspection teams responsible for conducting inspections at

the boarding sections of schools for children with ID. Besides, the Bureau can explore the feasibility of allowing the parents of boarders with ID to participate in the inspections at the boarding sections for assessing the service quality of the boarding sections from the perspectives of different stakeholders.

(VII) Mechanism for Reporting Serious or Life-Threatening Accidents at Boarding Section Defective

21. Our investigation has found that a school for children with ID had repeatedly and seriously delayed reporting to EDB about serious or life-threatening accidents that had happened at its boarding section. This reflected that EDB's reporting mechanism had not been strictly complied with. Consequently, EDB could not deploy staff to collect evidence and carry out investigation at the boarding section of the school in a timely manner, and was therefore unable to devise or propose precautionary or rectification measures as soon as possible. Meanwhile, EDB has not set down a clear and definite time frame for the boarding sections of schools to submit written reports on serious or life-threatening accidents. We consider it imperative of EDB to set a clear deadline for the boarding sections of schools for children with ID to submit written reports on accidents, and monitor closely whether there has been delay in reporting accidents. Serious actions must be taken by the Bureau against non-compliance.

Our Recommendations

22. In light of our findings in this direct investigation, The Ombudsman has made 12 recommendations, as follows:

(1) to enhance the content of the Practice Guide, having regard to the condition of the boarders with ID, and stipulate basic requirements for certain aspects of the day-to-day operation of the boarding sections of schools for children with ID (e.g. aspects involving the daily care of boarders and record-keeping), and require the schools to incorporate EDB's basic requirements into their school-based policies and guidelines;

(2) to require the boarding sections of schools for children with ID to install CCTV surveillance systems with recording function, and stipulate the basic requirements for CCTV installation in the Practice Guide;

(3) to arrange EDB staff to conduct random checks from time to time of the recorded footages of the CCTV surveillance systems installed at the boarding sections;

(4) to include the use of physical restraint or seclusion on boarders by the boarding sections as an item for review during inspections;

(5) to formulate detailed and rigorous basic guidelines (including implementation procedures and monitoring mechanism) specific to the use of physical restraint and seclusion as a measure to manage boarders with ID losing control of their emotion and behaviour, and require the boarding sections of schools for children with ID to incorporate the guidelines into their school-based policies and guidelines;

(6) to provide further guidelines on the design and facilities of seclusion space in the boarding section of schools for children with ID with a view to protecting the children's safety;

(7) to include observation of the environment of the boarding section of schools for children with ID and daily lives of boarders in ESR;

(8) to arrange surprise inspections at the boarding section of schools for children with ID during both office and non-office hour, and draw up key performance indicators for inspections at the boarding section of each of those schools per school year;

(9) to review and broaden the content of inspections at the boarding sections of schools for children with ID, including focusing on assessing the daily routine at the boarding sections, observing the physical and psychological well-being of boarders, and scrutinising the records of the boarders;

(10) to devise clear arrangements and inspection indicators for the Bureau's inspections at the boarding sections of schools for children with ID;

(11) to explore the feasibility of arranging inspections at the boarding sections of schools for children with ID by professionals with qualifications in health care and social work, and of allowing parents to participate in the inspections; and

(12) to strictly require boarding section of schools for children with ID to adhere to the requirements for reporting serious or life-threatening accidents and stipulate a clear deadline for submitting written reports.

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